



King County  
Department of Judicial Administration

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# Electronic Court Records (ECR)

## **APPENDIX 4:** **Project Design Statement**

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ECR Design Statement

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<p>This document represents a consensus reached in the Electronic Court Records (ECR) Steering Committee, a group made up from a variety of stakeholders, to describe the overall purposes and structure of ECR. The Design Statement was drafted by SMG/Columbia Consulting, whose work was supported by funding from the State Justice Institute (SJI). It was reviewed and discussed throughout the summer of 1997 and then finalized.</p>
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### **Purpose of this Document**

This working paper presents an initial definition of the scope and objectives of the Electronic Court Records (ECR) Implementation Project by the year 2000. It also presents a preliminary estimate of the timetable for implementing the system during the years 1997 through 2000. The purpose of this document is to solicit feedback from stakeholders regarding the scope and timing of the ECR Implementation Project.

### **Objectives of the ECR Implementation Project**

"Electronic Court Records" is a long term initiative to develop more effective and more efficient means of supporting the operation of the Superior Court system. The ECR Implementation Project is one part of this longer term initiative. The objective ECR Implementation Project is:

*To replace the paper court file with an electronic court record by the year 2000*

This objective includes redesigning the processes the Department of Judicial Administration (DJA) uses for maintaining and providing access to the court file. The processes used to file documents and to access the court file will also be redesigned to make use of the system's capabilities.

Please note that the objectives of the ECR Implementation Project are limited, primarily to the court records management functions of the Department of Judicial Administration. There are many opportunities for additional automation, process redesign, and procedural reform which are beyond the scope of this project. DJA believes that the introduction of the ECR system is an important prerequisite for broader reengineering within the Superior Court system in King County. However, these are beyond the scope of ECR Implementation Project.

### **Scope of the ECR System**

This section of the Design Statement presents a summary description of the ECR system *as it will be by the end of the year 2000*. The implementation of imaging and document management technology by DJA will provide substantially less functionality in the years prior to 2000. The anticipated schedule for implementation is presented in a subsequent section of this document entitled "ECR System Implementation Timetable".

By the year 2000, the ECR system will permit the Department of Judicial Administration to replace the use of a paper court record with an electronic one. The electronic court record will be composed of:

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- “Digitized” documents, i.e., the conversion of paper documents into electronic form by means of a scanning process. This would also include “inbound” facsimile filing of documents.
- “Digital” documents, i.e., documents filed with the court in an approved electronic format.

All records in the court file, whether digitized or digital, will be in an electronic format. For the sake of brevity, this working paper refers to digitized and digital documents as electronic documents.”

There are several key aspects of the electronic court record which are of particular importance which are set out below.

*The “Official” Court Record*

The official court record will be the electronic documents (in the sense defined above) maintained by the DJA using the ECR system and not the paper, facsimile, or digital documents presented by filers.

The introduction of the ECR system will not limit the public’s right to file documents in the traditional paper form. Any documents filed in the form will be digitized and the resulting electronic document will become part of the court record.

DJA will also accept, and indeed will prefer, digital documents. The following principles will apply in setting and updating the technical standards for digital documents:

1. In order to manage technical complexity, DJA will limit the types of digital document formats which will be acceptable.
2. DJA will select digital document formats commonly available to those filing court documents in order to maximize accessibility.
3. Given the rapid evolution of electronic document technology, DJA will continue to evolve the ECR system and digital document standards. This implies new document formats will be introduced and older ones dropped over time.

*Index and Control Data*

With the introduction of the ECR system, existing DJA procedures which control the processing of documents will need to be replaced methods appropriate to electronic documents. This will be achieved by means of index and control data which will accompany each electronic document. For each approved document format (both digitized and digital) DJA will specify methods for users to attach the specified data to the document filed.

*Internal Operations of DJA*

DJA will base its internal operating processes and procedures on the electronic documents stored within and managed by the ECR system. This includes, but is not limited to, electronic filing, automated “capture” of indexing, docketing, and other data, automated routing of documents, “self-service” retrieval of documents etc.

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*Electronic Filing*

Digital documents will be filed electronically, either remotely or from workstations or kiosks within the courthouse.

*Document Access*

DJA will provide regulated and limited access to the ECR system to other justice system and government agencies where access to court records and docket information is needed. In addition, certain documents where broader access is required will be published on the Internet. This will provide "self service" access to certain court documents.

*Document Archival*

Court file documents, both digitized and digital, will be archived to microfilm. While microfilm does not provide the ease of retrieval of electronic document management technology, it has a number of advantages, including:

- Acceptability as an archival medium.
- Low cost storage of inactive records.
- Low risk of obsolescence.
- Consistency with SCOMIS capabilities.

Any archived file which is retrieved from microfilm will be redigitized and stored on the ECR system. As is currently the case, the official court record will continue to be the microfilmed copy in this instance.

The scope of the ECR system by the year 2000 is described in more detail in the appendix.

**Scope Limitations**

As described above, the scope of the ECR Implementation Project for the year 2000 has been limited for several reasons. Certainly, the ECR Implementation Project is a complex undertaking requiring a methodical, phase-by-phase approach. This limits changes which can be prudently made by the year 2000. In addition, technology standards in this area are rapidly changing. An evolutionary approach will allow DJA to evolve the design of the ECR system along with changes in technology. Of course, financial and staffing constraints limit the ability of DJA to undertake the ECR Implementation Project while continuing to operate on a day-to-day basis.

In addition to these pragmatic constraints on the ECR Implementation Project, there are also more fundamental reasons for limiting the scope. It is important to understand that the ECR system will affect how documents are filed, the form of documents, and how court files are accessed. These changes affect many agencies and parties. DJA must phase in such changes in order to ensure their introduction is acceptable and effective.

Finally, while ECR technology has the potential for wide application within the court system, DJA can only directly be responsible for changes within its own purview. Therefore, broader opportunities are outside of the scope of this project, though they may be addressed by other

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initiatives.

Some of the specific *exclusions* from the scope of the ECR Implementation Project include the following:

- Providing “electronic service” of documents via the ECR system.
- Automating the generation of court documents from data captured in court.”
- Automating data flows between the CMIS and the ECR systems, though DJA will provide Superior Court Administration staff will access to the ECR system.
- Automating the flow of court documents (and/or data extracted from these documents) to parties who are not “online” users of the ECR system.
- “Publishing” all public court documents on the Internet.
- Providing remote access to attorneys or litigants to their case files.
- Using hypertext to link court documents to other court documents or external references.
- Providing filing or document access service on a 7 day by 24 hour basis.

While the ECR Implementation Project scope must be limited, other initiatives may be undertaken to take further advantage of the system.

### ECR System Implementation Timetable

The ECR system described is that planned for the year 2000. This system will be developed and implemented in several phases during the next few years. The overall timetable for implementation is as follows:

Year	Major Results
1994	Identify opportunity for ECR
1995	Develop state-wide “vision” underlying the ECR Implementation Project
1996	Develop funding proposal Establish King County standards committee Develop technical standards for electronic document management
1997	Define technology requirements Begin scanning archival files ECR Implementation Project planning / process design Begin “demonstration” projects
1998	Limited use of “digitized” documents by DJA Begin accepting “digital” documents Continue / expand demonstration projects

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Year	Major Results
1999	All paper documents digitized Expansion of use of digital documents Introduce C.O.M. for archival of files Introduce automated data entry (for both digital and digitized documents)

This schedule is preliminary in nature. A variety of factors may affect the realization of this schedule, including changes in the project scope, funding, incorporation of requirements for other agencies, technology changes, etc.

**Benefits of ECR System**

The benefits of the ECR system have not yet been estimated quantitatively. However, the types of benefits which may be obtained have been identified. The ECR system will provide DJA with a number of opportunities for improving its internal operating efficiency, including:

- Electronic filing may reduce the DJA document intake costs.
- The workflow features may reduce the labor costs for routing documents through the internal filing processes of DJA.
- Document access features may reduce the labor costs to retrieve files.
- The "self service" retrieval features of the system may reduce DJA cost to provide document or file copies to external parties.
- The index and control data features will reduce docketing costs.
- Document management features will reduce the costs of controlling documents and files.
- C.O.M. capabilities may reduce labor costs to archive court records.

The labor cost savings noted may be in the form of avoided increases as well as budget reductions.

Potential benefits of the ECR system are not restricted to efficiencies within the Department of Judicial Administration. To the extent that other agencies within the court system are users of the ECR system, similar internal operating efficiencies are possible. Furthermore, the ECR system provides many other advantages such as:

- Documents may be filed without the need to travel to a court location.
- The ECR system will ensure that a case file is never "out."
- The electronic court record will be more current than paper case files.
- Public information and customer service functions of DJA will have immediate access to files.
- Hours of access to court files may be extended.
- It may be possible to limit the need to provide "courtesy" copies of some documents to

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Judges.

Prior to requesting implementation funding, DJA will develop estimates of the potential benefits of the ECR system.

## Appendix A

### Overview of ECR System

This appendix presents a preliminary description of the ECR system as it will be in the year 2000. Earlier versions of the system will *NOT* provide all of the features described below.

#### *Electronic Court Documents and Files*

By the year 2000, the ECR system will permit the Department of Judicial Administration to replace the use of paper court records with electronic records. The electronic court record will be composed of:

- “Digitized” documents, i.e., the conversion of paper documents into electronic form by means of a scanning process. This will also include “inbound” facsimile filing of documents.
- “Digital” documents, i.e., documents filed with the court in an approved electronic format.

Digitized and digital documents are collectively referred to as “electronic documents” in this working paper.

Please note that DJA will continue to accept paper documents and facsimile filing after the introduction of the ECR system (though these documents will be digitized and stored as electronic documents).

DJA will require digital documents to be in one of a limited number of acceptable formats. Formats under consideration include:

- ASCII text.
- SGML / HTML.
- Microsoft Word.
- WordPerfect.
- Adobe PDF.
- Structured e-mail (i.e., e-mail messages with predetermined format and content).

All documents, both digitized and digital, will supply specified index and control data which can be directly “read” by the ECR system. This data will identify the case number, the document type, the format, and other data specified by DJA. DJA will also specify mechanisms for supplying the defined data for each acceptable document format. For example, a bar coded cover sheet on paper documents or inbound facsimiles would automate the capture of this data. Digital documents might be attached to an e-mail message containing predefined data.



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As technology and the market evolve, new popular digital document formats will be accepted by DJA and others discontinued. This will permit the ECR system to support filing, retrieval, and display of a limited number of digital file formats. Also, the use of document formats already familiar to litigants and law firms will encourage electronic filing.

Microfilm will continue to be the archival medium for case records. When a case file is archived, *images* of all pages will be written to microfilm. It is expected that microfilm will continue to be used for this purpose until digital media attain acceptance by archivists.

*Document Filing*

In order to support its objective of using electronic documents in its internal operations, the ECR system will operate in the following manner:

- Paper documents and "inbound" facsimiles will be digitized at the point of intake.
- Digital documents will be "electronically filed," i.e., received by the ECR system in electronic form via data communications mechanisms established by DJA.
- All documents will be accompanied by index and control data specified by DJA which can be interpreted by the ECR system.
- As is currently the case, documents not meeting Court or DJA standards will not be accepted for inclusion in the case file. The ECR system will generate and return an appropriate error message in the case of electronically filed documents.

The mechanism for supplying index and control data with paper documents (or facsimile filings) has not been determined by DJA at this time. One possibility would be the use of bar coded cover sheets. Litigants who do not have the technology to produce bar coded cover sheets could use a kiosk or workstation provided by DJA at the courthouse to produce the required cover sheet.

Approved County agencies will have online access to the ECR system for electronic filing. These agencies will be responsible for workstations, scanners, peripheral devices, and software licenses for this purpose. This type of access may be extended to other high volume court users (e.g., defender agencies) where appropriate technical, security, and cost recovery arrangements are made.

Most other parties filing electronically will employ "non-interactive" technologies such as electronic mail (e-mail) to submit digital documents remotely. The e-mail message will contain the case number, document type, and other indexing and control data. The electronic document will be an "attachment" to the e-mail.

With all documents (i.e., paper, inbound facsimile, and digital documents) immediately captured in electronic format, ECR system backups will replace daily microfilming to provide "security copies" of newly filed documents.

Thus all documents received by DJA will be immediately captured in electronic form and will be accompanied by some basic data for controlling subsequent processing steps. This "front end" document and data capture strategy provides several important advantages:

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- The accompanying data can be used to validate that the correct and complete document has been received by DJA.
- Documents *could* be made available to authorized users immediately as received but not filed.”
- Documents filed in one location can be made available immediately at all court locations.
- Manual keying by DJA staff to docket and index documents is minimized.
- Incoming documents can be routed to all ECR system users with an interest in the document. This routing can be simultaneous and not sequential.
- The elapsed time to complete the filing process and place a document in the court file can be minimized.

*Routing and Processing Incoming Documents*

After a document is received by DJA, a number of processing steps occur to complete the filing process. DJA may also forward documents to a variety of other agencies or individuals. The workflow and queuing features of the ECR system will be used to route documents for subsequent processing by DJA staff (and ECR system users from other agencies).

Documents will be routed within the DJA workflow by a combination of supervisory control and the docketing codes included in the “index and control” data. The majority of documents received by DJA require docketing and so will be routed to docketing staff for processing. DJA docketing staff will review the index and control data and correct it as required. The corrected information will be used to update both the ECR system index and SCOMIS. An interface between the ECR system and SCOMIS will be needed for this purpose. The form and nature of this interface has yet to be determined.

The ECR system will also have the ability “expedite” processing of individual documents to meet the requirements of the Court. Such documents will bypass the standard processing for immediate indexing, docketing, and routing to other parties as required.

The workflow capabilities can also be used to route documents to Judges, Superior Court Administration (SCA) staff, and other users of the ECR system. For example:

- Documents relevant to trial coordination or calendaring may be routed to SCA staff. This could be an automated process triggered by the document type or data in the document.
- The routing features of the ECR system may be used to minimize the need for “courtesy copies” of documents. By indicating that a document was to be forwarded to a Judge, the ECR system could route the document appropriately.
- Documents can automatically be routed to the Jail to commit or release prisoners.

*DJA and SCA Document Creation*

In addition to documents filed by litigants and attorneys, DJA and SCA staffs produce a variety of

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documents which enter case files. The introduction of the ECR system will provide an opportunity to computerize the creation and filing of many of these documents.

For example, some of the activities of the courtroom clerk could be computerized and interfaced to the ECR system as follows:

- Electronic minute taking. Such records will automatically be filed in the electronic court record.
- The use of “smart forms” or similar technologies to capture data associated with the production of documents recording decisions of the Court.
- Routing of data and/or documents related to case schedules to SCA staff.

Court clerks and other DJA staff may use data collected electronically in court to generate documents afterwards. Such documents, will be routed to the Judge for signature (electronically or otherwise). They will then be posted automatically to the electronic court record.

“Structured e-mail” documents will be created by the court clerk to ensure routine documents arising from Court are entered into the case file. These may be generated from “smart form” applications and e-mailed to the ECR system in order to eliminate multiple processing steps, minimize labor, and to ensure timeliness.

Similar capabilities can be extended to SCA staff who create documents which will be filed in the case file.

It is important to recognize that these features are *NOT* part of the “year 2000” version of the ECR system. Rather, the availability of the ECR system will provide additional opportunities for improving the efficiency of DJA and SCA operating processes.

*Access to the Electronic Record*

Existing policies for access to court records will be retained, i.e., access to the electronic record will be subject to the same policies which govern access to the existing paper record. In particular, the public will have access to all (unsealed) court files and documents from within the courthouse during regular business hours.

While document access policies will largely remain the same, service levels for document access within Superior Court locations will be significantly improved. One significant improvement over existing record access services will be the fact that all (unsealed) electronic files and documents will be available from any court location. In addition, the ECR system will support concurrent access by multiple users. Furthermore, the electronic case record will be more current than is feasible with paper records. Potentially, extended hours of access to the ECR system could be provided in the law library or other Superior Court locations.

Current policies were not developed with the possibility of providing “remote access” (i.e., access outside of court or County facilities) to case files. In particular, the commitment to retain existing access policies is *NOT* a commitment or obligation to make all electronic court records available remotely via the Internet or via an online connection to the ECR system. Therefore, additional policies must be developed with regard to remote access to electronic case records. It is

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expected that the following guidelines will apply:

- Remote electronic access will be regulated to minimize the sense of privacy intrusion.
- The public will have remote access to a limited category of documents, primarily those recording decisions of the Court, via an "Extranet" service.
- Remote access may be "metered" to allow for cost recovery for enhanced services.
- Authorized public sector agencies will have unmetered access to electronic documents (and data) to support "self service" retrieval.
- All access to sealed files or documents will be mediated by DJA staff.

Two forms of remote access will be provided to the ECR system. The Court, DJA staff, query terminals in courthouses, and a limited number other authorized users will have online access to the ECR system. This type of service will be used to read index information and for document retrieval. Other users will retrieve documents by means of "non-interactive" access to the system via an "Extranet" application.

Litigants and attorneys will *NOT* be provided with remote electronic access via the "Extranet" to documents in the electronic case file beyond those available to the public at large for technical, security, and systems administration reasons.

There are significant costs to providing remote access to the electronic record. The costs of providing this enhance level of service must be both (1) controlled and (2) recovered. For "online" users outside DJA, this might include:

- Cost recovery for remote access services.
- Limiting access to index and/or docket data (i.e., not documents).
- Using file transfers or similar technologies to download selected documents in batches (versus immediate online viewing).

King County is currently developing policies regarding the provision of Internet access to government services and data. DJA will conform to such policies as they are developed more fully. These policies are expected to include cost recovery policies for Internet-type services.

Another aspect of enhanced access to the court record is the ability to include "text search" or "browser" capabilities into the ECR system. While this will be included in the ECR system, this feature will only be available on a regulated basis in order to minimize system processing and storage overhead. In particular, use of this capability will be restricted to the Court, DJA staff, and other approved King County users.

The ECR system will allow users to browse documents by either searching text contained in digital documents or by using "optical character recognition" (OCR) to convert images of paper documents into searchable text. These capabilities will be available on demand, i.e., search text from OCR will be retained only for the time required to complete the specific search. This can be termed a "just-in-time" approach to OCR (as opposed to the "just-in-case" approach of OCRing all documents).

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Initially the ECR system will only accept hypertext links within a particular document. The ECR system will *NOT* include hypertext links between filed documents and any other documents, including case citations, statutes, electronic bench books, and other documents. While, the ABA has an initiative to develop the necessary standards for these types of links, a standard is not yet available. Furthermore, hypertext links are only possible between HTML/SGML documents and other forms of electronic documents.

The ECR system must be able to "seal" files or particular documents within a file in keeping with statutory obligations or by order of a Judge. This includes the ability to automatically seal files based on case type or by document type and to seal individual documents. The ECR system should encrypt sealed files or documents. All access to sealed files and documents should be mediated by DJA staff, i.e., system security features should restrict access except to those DJA staff with the appropriate authorizations in their "user profile."

*Archiving Electronic Case Records*

According to established criteria, case files will be migrated off the ECR system to microfilm for archival storage. For digital documents, the archived record will consist of the display image of the digital original. As is the case currently, SCOMIS will index files archived in this fashion to the reel and starting frame number.

Where a case file has been archived to microfilm, the ECR system will retain an indication of this fact. If an archived file is requested, a request will be generated to retrieve the appropriate reel(s) and to redigitize the document (i.e., stage the file back to the ECR system). It is expected that DJA staff will process these requests for retrieval. Given that only document images are archived, the recovered file will be in document image format.

When archived documents or files are recalled to the ECR system, retrieval will be temporary. Documents in the temporarily retrieved file will be scanned back into the ECR system, but will not be fully indexed by document. From a legal perspective, the official record will continue to be the archived version (with "add on reels" if the case reactivates). When no longer required, the temporarily restored file will be purged from the ECR system.